(4)

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

Single Bench

WRIT PETITION NO. 2233 / 2006

Petitioner : S.L.Rathore
S/o Late Shri B.L.Rathore
Aged about 48 years,
Junior Engineer Electrical Safety &
Junior Assistant Electrical Inspector
O/o Chief Electrical Inspector,
Raipur,

F.R. No. 2263/06
Presented by Shri Arunshukla
dated 26/4/06

Versus

Respondents :

1. State of Chhattisgarh
Through – The Secretary
Energy Department, Raipur.

2. Chief Electrical Inspector
State of Chhattisgarh,
36/437, Barron Bazaar,
Favara Chowk, Raipur

3. The Secretary
C.G. Public Service Commission,
Raipur

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WRIT PETITION U/A 226 & 227 OF THE CONSTITUTION OF INDIA

(84)

HIGH COURT OF JUDICATURE AT BILASPUR (CHHATTISGARH)

Writ Petition No.2233 of 2006

S.L. Rathore

- Versus -

State of Chhattisgarh & Others

Present: -

Mr. Prafulla Bharat, Advocate:	For the petitioner.
Mr. Satish Gupta, Deputy G.A.:	For the State/respondent No.1 & 2.
Mr. Abhishek Sinha, Advocate:	For respondent No. 3.
Dr. N.K. Shukla, Sr. Advocate with Mr. A.K. Yadav, Advocate:	For the intervener.

ORDER

(Passed on 6th September, 2006)

SATISH K. AGNIHOTRI, J.

The petitioner was employed as Junior Engineer in the Energy Department of the State Government. According to the learned counsel for the petitioner, the petitioner became eligible for consideration for promotion to the post of Assistant Engineer in the year 2005. Name of the petitioner could not be considered as admittedly departmental enquiry was pending against the petitioner.

Learned counsel appearing for the respondent/State submits that by order dated 15-5-2006 enquiry was concluded and enquiry report was submitted on 7-4-2006.

It appears that in the enquiry, charge was found proved partly. On the basis of enquiry report disciplinary authority by order dated 15-5-2006 (Annexure-P/9) exonerated the petitioner with "warning".

Learned counsel further submits that the case of the petitioner has been considered for promotion to the post of Assistant Engineer in the DPC held in the month of April, 2006 in which a sealed cover process was adopted in view of the pendency of departmental enquiry against the petitioner.

In view of the aforementioned, this petition has become infructuous on the ground that the case of the petitioner was considered in the DPC held in the month of April, 2006 and decision thereon has been kept in the sealed cover.

Respondents are accordingly directed to open sealed cover and take appropriate steps as recommended/observed/decided by the departmental committee. In the event, grievance of the petitioner still survives on re-opening of the sealed cover, the petitioner is at liberty to seek redressal of his grievances before the appropriate Forum.

The writ petition is accordingly disposed of with the above stated liberty.

Parties are entitled for certified copy of this order.

Sd/-
Satish K. Agnihotri
Judge

Barve